

### **Listing of Claims:**

The following listing of claims replaces all previous listings or versions thereof:

1.-39. (cancelled)

40. (currently amended) A method of inhibiting smooth muscle cell proliferation comprising the steps of:

- (a) obtaining an isolated nucleic acid segment comprising a cell cycle regulatory gene operatively linked to an SM22 $\alpha$  promoter region comprising 50 contiguous bases of SEQ ID NO:1 in the region upstream of the transcriptional start site;
- (b) transferring said nucleic acid segment into a smooth muscle cell; and
- (c) maintaining said smooth muscle cell under conditions effective to express said cell cycle regulatory gene;

wherein expression of said cell cycle regulatory gene inhibits proliferation of said smooth muscle cell.

41. (original) The method of claim 40, wherein said smooth muscle cell is in an animal.

42. (original) The method of claim 40, wherein said cell cycle regulatory gene operatively linked to an SM22 $\alpha$  promoter region is in [comprises] a viral or plasmid vector.

43. (original) The method of claim 42, wherein said viral vector is an adenoviral vector.

44. (original) The method of claim 40, wherein said cell cycle regulatory gene is selected from the group consisting of Rb, a phosphorylation deficient Rb gene, p53, p21, p16, p27, a cell cycle dependent kinase inhibitor, E2F inhibitor, a CDK kinase or a cyclin gene.

45.-52. (cancelled)

53. (currently amended) A method of inhibiting smooth muscle proliferation comprising the steps of:

- (a) obtaining a nucleic acid segment comprising a cell cycle regulatory gene operatively linked to an SM22 $\alpha$  promoter region comprising 50 contiguous bases of SEQ ID NO:1 in the region upstream of the transcriptional start site;
- (b) transferring said nucleic acid segment into a primary smooth muscle cell *ex vivo* to obtain a transfected cell;
- (c) seeding a bioprosthetic graft or stent with said transfected cell to obtain a seeded graft or stent; and
- (d) placing the seeded graft or stent into a coronary or peripheral artery or vein of a subject;

wherein expression of said cell cycle regulatory gene inhibits proliferation of a smooth muscle cell.

54. (new) The method of claim 40, wherein the SM22 $\alpha$  promoter region comprises 100 contiguous bases of SEQ ID NO:1 in the region upstream of the transcriptional start site.

55. (new) The method of claim 40, wherein the SM22 $\alpha$  promoter region comprises 500 contiguous bases of SEQ ID NO:1 in the region upstream of the transcriptional start site.

56. (new) The method of claim 40, wherein the SM22 $\alpha$  promoter region comprises the entire region upstream of the transcriptional start site in SEQ ID NO:1.

57. (new) The method of claim 53, wherein the SM22 $\alpha$  promoter region comprises 100 contiguous bases of SEQ ID NO:1 in the region upstream of the transcriptional start site.

58. (new) The method of claim 53, wherein the SM22 $\alpha$  promoter region comprises 500 contiguous bases of SEQ ID NO:1 in the region upstream of the transcriptional start site.

59. (new) The method of claim 53, wherein the SM22 $\alpha$  promoter region comprises the entire region upstream of the transcriptional start site in SEQ ID NO:1.